

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #6	CCRB Case #: 202004657	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/26/2020 11:19 PM	Location of Incident: 1st Precinct stationhouse	Precinct: 01	18 Mo. SOL 12/26/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/27/2020 12:01 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 06/27/2020 12:01 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			001 PCT
2. An officer			001 PCT
3. POM Wenming Wu	31370	953582	001 PCT
4. SGT Eugene Cummings	2341	929974	001 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Rafael Rodriguez	3275	940661	001 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	
B. An officer	Abuse: An officer refused to provide his name to § 87(2)(b)	
C. An officer	Abuse: An officer refused to provide his shield number to § 87(2)(b)	
D. POM Wenming Wu	Discourtesy: Police Officer Wenming Wu spoke discourteously to § 87(2)(b)	
E. An officer	Abuse: An officer interfered with § 87(2)(b)'s use of a recording device.	
F. SGT Eugene Cummings	Abuse: Sergeant Eugene Cummings did not process § 87(2)(b)'s complaint regarding officers.	

### Case Summary

On June 27, 2020, § 87(2)(b) filed this complaint with the CCRB via the CCRB's call processing system.

On June 27, 2020, § 87(2)(b) went to the 1<sup>st</sup> Precinct stationhouse to report that a hotel had stolen his money. PO Wenming Wu of the 1<sup>st</sup> Precinct refused to take a criminal complaint for § 87(2)(b) stating that it was a civil matter. When § 87(2)(b) asked to speak with a supervisor, an unidentified officer asked PO Wu, “What the fuck is his problem? He thinks he owns the fucking place?” (**Allegation A – Discourtesy:** § 87(2)(g)). Officers surrounded § 87(2)(b) in the waiting area. § 87(2)(b) asked for one of the officer’s name and shield number, and the officer refused to provide the information (**Allegation B and C – Abuse of authority:** § 87(2)(g)). Multiple officers, including PO Wu, used the word “fuck” while speaking with § 87(2)(b) and one officer told him, “Get the fuck out of here.” (within **Allegation A – Discourtesy:** § 87(2)(g) § 87(2)(b) (**Allegation D – Discourtesy:** § 87(2)(g) § 87(2)(b) attempted to take a photo of the officers and an officer placed his hand in front of the camera and told § 87(2)(b) that he was not allowed to take photos inside of the stationhouse (**Allegation E – Abuse of authority:** § 87(2)(g) § 87(2)(b)).

§ 87(2)(b) spoke with Sgt. Eugene Cummings of the 1<sup>st</sup> Precinct and requested to file a complaint about the officers, Sgt. Cummings refused to process his complaint (**Allegation F – Abuse of authority:** § 87(2)(g) § 87(2)(b)).

§ 87(2)(b) was not arrested or summonsed in relation to this incident. There is no video evidence in this case.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Officers spoke discourteously to** § 87(2)(b)

**Allegation (B) Abuse of Authority: An officer refused to provide his name to** § 87(2)(b)

**Allegation (C) Abuse of Authority: An officer refused to provide his shield number to** § 87(2)(b)

**Allegation (D) Discourtesy: PO Wenming Wu spoke discourteously to** § 87(2)(b)

On June 26, 2020, at 11:19 p.m., § 87(2)(b) went to the 1<sup>st</sup> Precinct stationhouse to file a robbery report against hotel staff. § 87(2)(b) spoke with PO Wu at the front desk who explained that he could not prepare a robbery report as it was a civil matter. § 87(2)(b) asked to speak with a supervisor and PO Wu went to find one. An officer approached PO Wu and said, something along the lines of, “What the fuck is his problem? He thinks he owns the fucking place? He’s going to come into our house?” § 87(2)(b) replied that the stationhouse did not belong to the officer. One of the officers, § 87(2)(b) did not know who, said, “get the fuck out of here. What the fuck you come in here for?” Four officers, including PO Wu and three white males, also used the word “fuck” while speaking with § 87(2)(b) though § 87(2)(b) could not recall the context in which the word was used (**Board Review 01**).

BWC and stationhouse surveillance footage requests for this case were returned with negative results (**Board Review 02, 03**).

§ 87(2)(b) took a photo while inside of the stationhouse, however, the photo only shows PO Wu and the hand of an unidentified officer (**Board Review 08**).

Police documents related to this case did not provide clear indications regarding officer identification. According to the command log, this incident occurred during the tour change between tour 3 on June 26, 2020, and tour 1 on June 27, 2020 (**Board Review 04**).

PO Wu and Sgt. Rodriguez each testified that they did not recall this incident and both officers denied using profanity (**Board Review 06, 07**). Sgt. Cummings testified that he did not use profanity while speaking with § 87(2)(b) or refuse to provide his name and shield number, nor did he witness any other officer do so (**Board Review 08**).

§ 87(2)(b) testified that while he was in the stationhouse, several officers cursed at him and that an officer refused to provide their name and shield number. However, the incident occurred during a tour change, increasing the number of officers in the stationhouse, and the descriptions provided by § 87(2)(b) provided are not unique enough to identify the officers based on physical description alone. § 87(2)(b) identified PO Wu as one of the officers who used the word “fuck” while speaking with him. However, PO Wu did not recall this incident and denied using profanity with § 87(2)(b). Sgt. Cummings did not hear PO Wu curse at § 87(2)(b) and Sgt. Rodriguez did not recall this incident. Furthermore, request for BWC and stationhouse surveillance footage yielded negative results. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (E) Abuse of Authority: An officer interfered with § 87(2)(b)'s use of a recording device.**

§ 87(2)(b) testified that after the officers cursed at him, that he attempted to take a photo of the officers while still inside of the stationhouse. An officer placed his hand in front of § 87(2)(b)'s camera and told § 87(2)(b) that he could not take photographs inside of the stationhouse (**Board Review 01**).

§ 87(2)(b) provided the photograph that he took inside of the stationhouse. The photograph shows an officer's hand. PO Wu is seen in the background (**Board Review 08**).

Sgt. Cummings testified that he did not see an officer place their hand over § 87(2)(b)'s camera, but noted that civilians are not allowed to take photographs inside of a stationhouse (**Board Review 07**). Sgt. Rodriguez did not recall this incident, but also stated that civilians are not allowed to take photographs inside of a stationhouse (**Board Review 06**). PO Wu identified himself in the photo but did not recall the incident and could not identify the officer who's hand is covering the camera (**Board Review 05**).

Members of the public are not allowed to photograph and/or record police activity within Department facilities. Members of the service may order any member of the public who is photographing or recording within Department facilities to stop such activity NYPD Patrol Guide, Procedure 203-29 (**Board Review 09**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (F) Abuse of Authority: Sergeant Eugene Cummings did not process § 87(2)(b)'s complaint regarding officers.**

§ 87(2)(b) testified that after his interaction with the officers, Sgt. Cummings approached him and explained that he had to resolve the issue in court as it was a civil matter. § 87(2)(b) asked Sgt. Cummings to file a complaint about the officers. Sgt. Cummings pointed to a sign on the wall that

had the CCRB's contact information, but did not offer to take the complaint in the stationhouse **(Board Review 01)**.

Sgt. Cummings testified that he was starting his tour as the desk sergeant and conducting a stationhouse inspection when he came across § 87(2)(b) in the civilian waiting area in the stationhouse. § 87(2)(b) explained that the hotel stole his money and told Sgt. Cummings that he wanted to file a report – but did not clarify if he wanted to file a report against officers or about the hotel sealing his money. § 87(2)(b) did not express to Sgt. Cummings that he was upset with any of the officers. Sgt. Cummings's understanding of the situation was that § 87(2)(b) was seeking to file a complaint report (UF61) regarding the situation with the hotel and that he was not complaining about an officer. § 87(2)(b) and Sgt. Cummings were standing next to a bulletin board containing information about how to file a UF61 and information containing the CCRB's number, and Sgt. Cummings pointed the bulletin board out to § 87(2)(b). Sgt. Cummings told § 87(2)(b) that he could file a complaint in the stationhouse and explained that due to the change in tour it would be approximately 10 minutes before an officer could assist him. Sgt. Cummings went to the desk to prepare his command log entries. When he looked up, § 87(2)(b) was no longer in the stationhouse **(Board Review 07)**.

PO Wu and Sgt. Rodriguez testified that they did not recall this incident **(Board Review 05, 06)**.

Requests for BWC and stationhouse surveillance footage were returned with negative results **(Board Review 02, 03)**.

§ 87(2)(b) testified that he asked Sgt. Cummings to file a complaint about the officers. However, Sgt. Cummings testified that he was unsure of whether § 87(2)(b) wished to file a UF61 or a complaint about an officer, but that he told § 87(2)(b) that he would get an officer to assist him, and that § 87(2)(b) left the stationhouse before an officer could assist him. Requests for video footage yielded negative results, and none of the witness officers interviewed recalled this portion of the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party **(Board Review 10)**.
- Sgt. Cummings has been a member of the NYPD for 19 years and has been a subject in two additional cases and five allegations, none of which have been substantiated. § 87(2)(g)
- PO Wu has been a member of the NYPD for nine years and has been a subject in three additional cases and seven allegations, one of which was substantiated. § 87(2)(g)
  - Case 201808980 involved a substantiated allegation of sexual misconduct – sexual humiliation. The Board recommended instructions and the NYPD imposed command level instructions.

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of May 21, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint **(Board Review 11)**.

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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Squad No.: 06

Investigator: Investigator Thomas Juliano Investigator Thomas Juliano 9/7/2021  
Signature Print Title & Name Date

Squad Leader: \_\_Jessica Peña IM Jessica Peña 9/8/2021  
Signature Print Title & Name Date